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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,477	06/06/2001	Kenneth P. Hinckley	m61.12-0318	7953

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EXAMINER	
SHAPIRO, LEONID	

ART UNIT	PAPER NUMBER
2677	

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/875,477	HINCKLEY ET AL.	
	Examiner	Art Unit	
	Leonid Shapiro	2677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 May 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *5,9,10,12,14 and 31-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *5,9,10,12,14 and 31-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5/31/05, 9/29/05
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claim recites, "generating a second tilt context value for shorter than the set period of time after generating the first tilt context value...: and selecting an orientation for an image on the display based on the flat context value by using the first tilt instead of the second tilt context". There is no support in the specification for a generating a second tilt context, and for selecting an orientation for an image using the first tilt context instead of the second tilt. As best understood by the examiner the device is being tilted, and if the tilt remains for more than a predetermined time, the tilt context value is generated, which is equivalent to the first tilt context in the claim. However, there is no teaching of having a second context being generated if the period of time is shorter than a set period. The examiner respectfully requests a correction or explanation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (6,567,101) in view of Ramaley et al. (US Patent No. 6,931,592 B1).

Thomas (figures 1A-1C) teaches a display device and has a sensor (detector) for sensing the tilt of the display device (col. 4, lines 13-38), and wherein the text is being scrolled based on the tilting of the device (orientation) (col. 5, lines 41-60 and col. 21-45).

Thomas does not disclose that at least one tool bar that was shown on the display is removed.

Ramaley et al teaches at least one tool bar that was shown on the display is removed (See Fig. 5, item 530, Col. 9, Lines 7-22).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Ramaley et al. into Thomas system in order to automatically displaying reviewing features with application program (see from col. 1, line 66 to col. 2, line 4 in the Ramaley et al. reference).

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lands (6,201,554) in view of Thomas (6,567,101).

Lands (figure 1) teaches a portable display device

(10) that includes, generating at least one sensor signal using at least one sensor in the device (36 & 38) and generating a tilt context value(first context) (figures 4B-4E) that

indicates how the device is tilted (col. 3, lines 54-64), and a flat context value that indicates that the device is laying flat (figure 4A) based on the at least one sensor signal and selecting an orientation for an image on the display when the flat context value indicates the device is laying flat (col. 5, lines 6-46).

Lands does not expressly teach that selecting the orientation for an image on the display is carried out by using a tilt context value that was maintained for longer than a set period of time before the flat context value was generated and before a different tilt context value was maintained for less than the set period of time.

However, Thomas (1 A-1 C) teaches a display device which is similar to Lands' device and has a sensor (detector) for sensing the tilt of the display device (col. 4, lines13-38), and wherein the selecting of the orientation for an image on the display when the flat context value indicates the device is laying flat by using tilt context value that was maintained for longer than a set period of time before the flat context value was generated and before a different tilt context value was maintained for less than the set period of time (for that, Thomas shows that a calibrator may be automatically activated, such as measuring time in a particular orientation, and if time spent in that orientation is above a specific amount, that orientation is utilized as the beginning orientation) (col.5, lines 6-11).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Thomas using time interval to select the orientation of the image on the display to be incorporated to Lands' device so

as to be able to automatically activate the orientation selection by a simple time interval process, which makes the device user friendly (see Thomas col. 5, lines 7-9).

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lands in view of Norden (PCT Publication NO. WO 98/14863).

As to claim 9, the first part of the claim is substantially similar to claim 5, and the rejection to claim 5 above applies to claim 9. The last 6 lines of claim 9 specify, "changing the orientation of an image on the display based on a tilt context value unless the tilt context value is being used to control scrolling of an image on the display wherein the same tilt context value can change the orientation and control scrolling." Lands shows that the tilting of the display device is affecting image by changing the paging, volume, brightness or zoom modes (col. 3, 38-49).

However, Norden shows a hand-held image display device (10 in figures 1A and 1B), wherein by tilting the device, the image orientation can be changed from up-down (scrolling) or right-left based on sensing the tilting of the device (page 1, line 19 through page 2 line 5).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Norden using the tilting of the device to be used in scrolling or the orientation of the device to be incorporated to Lands' device so as motivated by Norden, to provide a natural operation for scrolling around text documents or image (page 1, lines 26-28), which allows the user to

intuitively change the orientation of the image. Furthermore, to eliminate the need of the scrolling bar which increase the size of the display area.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being Unpatentable over Lands in view of Watanabe (Japanese patent Publication NO. 6-292826).

As to claim 10, as can be seen above with respect to claim 5, Lands shows all the limitations of claim 10 except the citation of placing the device in a full power mode based on the holding context value and the orientation context value.

However, Watanabe teaches a display device (figure 2) that includes a power saving mode, which activated when no touches by the user is detected and the normal mode is activated when the device is detected to be touched by the user (see English abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Watanabe to put the device in normal mode when sensing the user's touch to be incorporated to Lands device so as motivated by Watanabe, to provide a power saving data processor which saves the electric power more and is easy for a user to use.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being Unpatentable over Lands in view of Watanabe and Schultz et al. (US Patent No. 6,970,182B1).

As to claim 12, as can be seen above with respect to claim 5, Lands shows all the limitations of claim 10 except the citation of placing the device in a full power mode based on the holding context value and the orientation context value.

However, Watanabe teaches a display device (figure 2) that includes a power saving mode, which activated when no touches by the user is detected and the normal mode is activated when the device is detected to be touched by the user (see English abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Watanabe to put the device in normal mode when sensing the user's touch to be incorporated to Lands device so as motivated by Watanabe, to provide a power saving data processor which saves the electric power more and is easy for a user to use.

Lands and Watanabe do not disclose at least one sensor that indicates the distance to an object and enter idle state when object is not moving.

Shultz et al. teaches at least one sensor that indicates the distance to an object and enter idle state when object is not moving (See Fig. 8, item 308, Col. 10, Lines 21-43).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Shultz et al. into Watanabe and Lands system to provide detecting presence of an object (See Col. 3, Lines 51-54 in the Shultz et al. reference).

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being Unpatentable over Lands in view of Anderson (US Patent No. 5,714,997).

As to claim 14, as can be seen above with respect to claim 5, Lands shows all the limitations of claim 10 except the citation of activating a sound capturing application based on the holding context value and orientation context.

However, Anderson teaches activating a sound capturing application based on the holding context value and orientation context (See Col. 2, Lines 35-47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Anderson into Lands system in order to increase the viewer sensation (See Col. 1, Lines 31-34).

Response to Arguments

8. Applicant's arguments with respect to claims 5, 9-12, 14 and 31-33 have been considered but either moot in view of the new ground(s) of rejection or not persuasive.

As to claim 5, the examiner has rejected claim 5 under 112-1st paragraph because the specification did not include any teaching that suggest such elements. The Applicant on page 6 stated that FIFO has most recent **stable** orientation. However, the claim limitation is using "the set period of time", which is not connected directly to the most recent **stable** orientation and could be any value.

Applicant (page 7-8) argued that the cited section of Thomas does not show the selection of an orientation for an image when a flat context value is generated, and instead, the cited section discusses a calibrator that is used to set a zero tilt angle for

the device. Examiner respectfully disagrees. Thomas shows that if a time spent in a particular orientation is above a specific amount, this specific orientation is calibrated to be the beginning orientation. This is equivalent to what the claimed limitation of selecting an orientation for an image on the display when the flat context value indicates the device is laying flat. Notice, that the beginning orientation is flat in Figs, 1A, 2A, 3A, 4A).

Applicant (page 7-8) argued that Thomas continually changes the orientation of the image as the device is rotated about the z-axis. Examiner agrees. However, in the claim there is nothing in the claim, which specifies that the flat context is set for more than a set period of time, and therefore, the flat context does not have to be the final destination.

With respect to claim 9, Applicant stated on page 10, paragraph 2, that Norden does not teach to use tilting of a device to change the orientation of a displayed image. However, Norden is teaching tilting of a device to change the orientation of a displayed image (See Figs 1A-1B), where orientation of image changed from the center to the bottom of the display.

On the same page, 4th paragraph that neither Lands nor Norden show or suggest to use tilting of a device to change the orientation of a displayed image or scrolling. However, Norden is teaching tilting of a device to change the orientation of a displayed image (See Figs 1A-1B), where orientation of image changed from the center to the bottom of the display and Lands teaches scrolling (See Figs. 4B-4E, Col. 5, Lines 6-46)

With respect to claim 10, as can be seen in the rejection above with respect to claim 10Watanabe is cited to show changing the power based on the detection of whether the user is touching or not touching the device.

On page 11, 5th paragraph Applicants stated that Watanabe does not show or suggest using an orientation context value to control power mode. But orientation context value limitation was shown by Lands. However, Applicants cannot show non-obviousness by attacking references individually where, as here the rejections are based on combination of references. In Keller, 208 USPQ 871 (CCPA 1981).

On page 11, 6th paragraph Applicants stated that Lands does not show or suggest to control power mode. But control power mode limitation was shown by Watanabe. However, Applicants cannot show non-obviousness by attacking references individually where, as here the rejections are based on combination of references. In Keller, 208 USPQ 871 (CCPA 1981).

With respect to claim 12, 14 and 31-33, the argument is moot in view of the new ground of rejection.

Telephone Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on 571-272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LS
01.04.06

AMR A. AWAD
PRIMARY EXAMINER